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**Environmental Quality Commission**

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Laura Knoth, *Grand Rivers*

February 14, 2007

**KENTUCKY ENVIRONMENTAL QUALITY COMMISSION  
PUBLIC FORUM**

**Meeting Minutes**

January 25, 2007

Pikeville, Kentucky

**EQC Commissioners Present**

Andrew Ernest  
Eugene Zick  
Laura Knoth  
Scott Smith

**EQC Staff Present**

Jo Hargis, Executive Director  
Johnna McHugh, Dir. of Operations  
LaTisha Barnett, Executive Secretary

**Speakers/Representatives Present**

Dave Morgan, Ky Div. of Water  
Ted Withrow, Ky Div. of Water  
Pete Goodman, Ky Div. of Water  
Sandy Runyon, Big Sandy Area Development District  
Larry Lowe/ Tim Metzger, Ky Div. of Forestry  
Richard Wahrer, Ky Dept. for Natural Resources  
Dr. Tom Vierheller, Big Sandy River Watershed Watch  
Tim Belcher, Elkhorn City Area Heritage Council, Elkhorn City Council  
Jody Hughes, Ky Infrastructure Authority

The Environmental Quality Commission (EQC) held a public forum on January 25, 2007, for the purpose of discussing watershed management issues within the commonwealth and the nation. There were approximately 54 people present in the audience. The meeting was called to order at 6:30 p.m. A motion was made to accept the minutes from the previous meeting by Eugene Zick and seconded by Laura Knoth. The motion was passed and the minutes were accepted. The chair and vice-chair were both absent so Jo Hargis chaired the meeting.

Dave Morgan of Kentucky's Division of Water discussed current watershed perspectives. He stressed that watershed issues are not just concerns of the commonwealth. Watersheds are a national priority. Mr. Morgan discussed the need for watershed watch groups to receive quality training in order to obtain quality results. Before the next speaker, Jo Hargis introduced the EQC commissioners to the public.

Ted Withrow of Kentucky's Division of Water provided an overview of the Big Sandy Watershed. He reported that 87% of the rivers fail to support the designated uses. He encouraged the public to contact their legislators to express their concern about watersheds.

Pete Goodmann of Kentucky's Division of Water discussed working with local groups to focus resources into priority watersheds. There are 5 priority watersheds right now: Red River, Boiling Springs, Clarks Run, Pleasant Grove Spring Run and Elkhorn Creek.

Sandy Runyon of Big Sandy Area Development District discussed water issues relating to sewage disposal and Personal Responsibility In a Desirable Environment (PRIDE) initiatives in Eastern Kentucky. She discussed the program involving 657 homes that need septic systems, which are costly. Environmental awareness and education are important. Runyon stressed that education was the most important factor in the clean up of Kentucky's environment.

Larry Lowe and Tim Metzger of Kentucky's Division of Forestry discussed water issues relating to the timber industry in eastern Kentucky, Kentucky's Forest Conservation Act and best management practices. They also discussed the Governor's task force on wild land arson.

Richard Wahrer of Kentucky's Department for Natural Resources discussed water issues relating to resource extraction in Eastern Kentucky. The Governor established a task force that involved dedicated law enforcement, aggressive prosecution and public awareness and education.

Dr. Tom Vierheller of Big Sandy River Watershed Watch discussed local watershed group initiatives. He mentioned several initiatives including the Surface Mining Control and Reclamation Act, the Black Water Task Force, the Coal Water Quality Task Force and the Kentucky Restoration Initiative. Tom discussed the Big Sandy Watershed Watch Program, the grants it received from PRIDE and its many volunteers.

Tim Belcher of Elkhorn City Area Heritage Council discussed water quality and its economic impact. He discussed the 5 tenants of improving the economic effects of recreation: protect the river, provide public access, provide multiple recreational opportunities, enhance or create recreational opportunities if socially



and ecologically appropriate and use free marketing. Belcher said it is important to invest in rivers to create more jobs.

Jody Hughes of Kentucky Infrastructure Authority discussed infrastructure issues in Eastern Kentucky including centralized sewers. Hughes discussed the government's program initiative to clean up the sewers. Good waste water inspections are a part of the initiative.

**The floor was then opened to the public for questions and comments.**

**CITIZENS EXPRESSED CONCERNS REGARDING THREE SPECIFIC ISSUES:**

**1. Proposed Mining Activity Under the Lynch, Kentucky Aquifer** – A local citizen expressed concern regarding Department for Natural Resources (DNR) Mining Permit Application 848-5411, Amendment No. 1. The proposed permit would allow for underground mining activities proximal to the Lynch aquifer.

**2. Stream Buffer Zone Variances for DNR Permit Applications** - A local citizen expressed concern regarding the issuance of stream buffer zone variances (BZV) by the DNR for mining permit applications. The DNR was assumed to “*grant BZVs as a matter of course.*” The EQC was asked to investigate this matter and determine how many BZVs are granted in relation to the number of permit applications approved by the DNR.

**3. Follow-Up to the EQC's June 2006 Mountaintop Removal Mining Resolution** – Members of Kentuckians for the Commonwealth expressed concerns that no action had been taken by the Environmental and Public Protection Cabinet in response to the EQC's June 2006 Mountaintop Removal Mining Resolution.

The Environmental Quality Commission assured the citizens they would address these concerns.

**Discussion/vote on proposed water regulations –**

Justin Dearing discussed proposed amendments to the Division of Water's amendment to 401 KAR 4:060: Stream Reconstruction Criteria. A motion was made by Andrew Earnest to recommend adoption of the proposed regulation to the Cabinet. The motion was seconded by Laura Knoth and passed unanimously.

**Discussion/vote on proposed air regulations –**

Lona Brewer discussed the Division for Air Quality's proposed Administrative Regulations that address the Federally mandated Clean Air Interstate Rule

(CAIR). Scott Smith made a motion to recommend adoption of the proposed regulation to the Cabinet. The motion was seconded by Andrew Ernest and passed unanimously.

### OTHER BUSINESS

**EQC SOKE Reference Guide Draft** - Johnna McHugh updated the commissioners on the latest draft of EQC's reference document. She encouraged the commissioners to review the draft in their packet and get comments back to her by February 9. Once commissioner comments are back, the document will be submitted to the Secretary's office for approval.

**Earth Day Awards** - Jo Hargis reminded the commissioners of the Earth Day awards ceremony, which will be held April 20. The staff will be accepting nominations for award recipients until March 9. Ms. Hargis informed the commissioners that they should be thinking of people to nominate for general awards, the public service award and the lifetime achievement award.

**May 21, 2007 EQC Meeting, Hopkinsville, KY** – The next quarterly meeting will be held in Hopkinsville on the topic of energy. The office staff will begin planning the meeting and will keep the commissioners updated on any changes or additions.

**Nomination/vote for Commission Chair and Vice Chair** – Jo Hargis initiated the nomination process. Laura Knoth made a motion that Scott Smith be nominated as the commission chair. The motion was seconded by Eugene Zick and passed unanimously. Eugene Zick made a motion that Gordon Garner serve as the Vice Chair. The motion was seconded by Laura Knoth and passed unanimously.

Andrew Ernest motioned to adjourn the meeting and Eugene Zick seconded the motion. The motion was unanimously passed and the meeting adjourned at 10:20 p.m.

With no further business, the meeting adjourned at 9:45 p.m.



Signed, Scott Smith, EQC Chair

2 April 2007